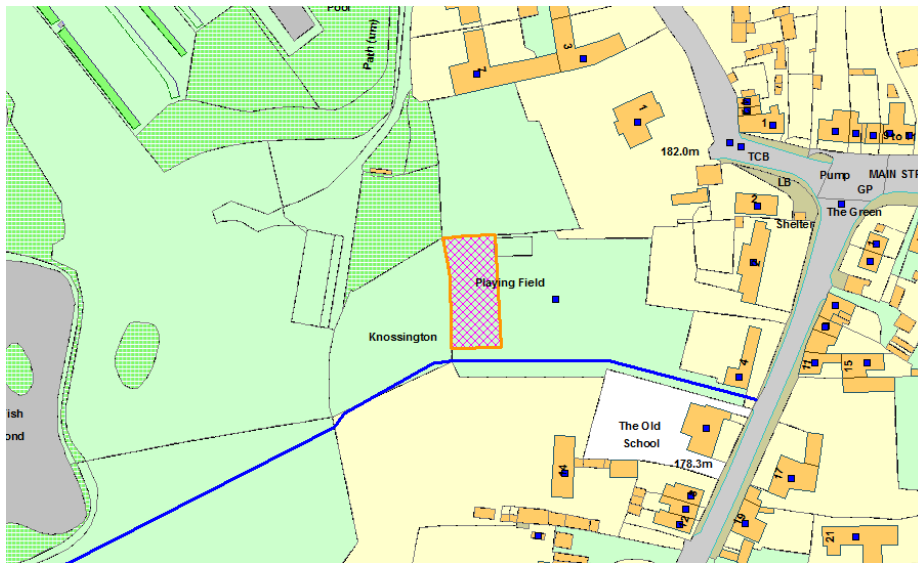


Reference: 15/01014/FUL
Date submitted: 21st December 2015
Applicant: The Clerk, Knossington and Cold Overton Parish Council
Location: Playing Fields, Owston Road, Knossington
Proposal: Relocation of village allotments



Introduction:-

The application seeks to relocate the village allotments to the western end of the playing fields that are located off Owston Road, Knossington. The site is within the conservation area, but outside of the designated village envelope, and amounts to approximately 0.06 hectares of the site. The application has been triggered as the existing village allotments have reached the end of their lease.

It is considered that the main issues relating to the application are:

- **The impact upon residential amenity**
- **If the use as allotments is compatible with the playing fields**

The application is required to be considered by the Planning Committee due to the level of representations received.

Relevant History:

There is no relevant planning history at the site.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS2, BE1

OS2 states that planning permission will not be granted for development outside the town and village envelopes shown on the proposals map except for:-

- Development essential to the operational requirements of agriculture and forestry;
- Limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside;
- Development essential to the operational requirements of a public service authority, statutory undertaker or a licensed telecommunications code system operator;
- Change of use of rural buildings;
- Affordable housing in accordance with policy H8

BE1 states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provision.

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; *or*
 - specific policies in the Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that **whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. In this case it is considered that policy OS2 is compliant with the aims and objectives of the NPPF.**

It establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive sustainable development to deliver the thriving local places that the country needs.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- Promote mixed use developments and encourage multiple benefits from the use of land in urban areas, recognising that some open land can perform many functions.
- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

On Specific issues relevant to this application it advises:

Supporting a prosperous rural economy

- Local and neighbourhood plans should promote the retention and development of local services and community facilities in villages, such as shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

Requiring good design

It is important to plan positively for the achievement of high quality and inclusive design for all development, including public and private spaces. Development should function well and add to the overall quality of an

area over the lifetime of the development. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities.

Paragraph 74 states that existing open spaces, including playing fields should not be built on unless the development is for alternative sports or recreation provision, where the needs for which outweigh the loss.

Promoting healthy communities

The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning decisions should plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments.

The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF paragraph 12).

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No objection</p> <p>The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Consider sustainability issues, ensure all details of access and parking comply with current standards</p>	<p>Noted.</p> <p>The initial site plan submitted showed that two parking spaces would be created at the entrance to the playing fields. This caused concerns due to the narrow nature of the entrance to the playing fields, and the potential conflict with users of the public footpath, and the playing fields with manoeuvring vehicles. Consequently, a revised plan was requested from the applicant removing the parking spaces..</p> <p>The entrance to the playing fields is close to Owston Road, therefore, the proposed parking spaces were not considered to materially benefit the future users of allotments. There is space for on-street parking close to the entrance to the playing fields, and at present there are no on-street parking problems in the area.</p> <p>It is not considered that allowing the land to be used for allotments that would be tended and maintained by residents of Knossington would lead to on-street parking problems to the detriment of highway safety in the area. The proposal is therefore considered to meet the objectives of policy BE1 of the Melton Local Plan.</p>
<p>Parish Council:</p> <p>The Parish Council have no objections to the proposal.</p>	<p>Noted.</p> <p>The Parish Council are however the applicants for the proposal, therefore their lack of objection carries very little weight in the consideration of this application due to their conflict of interest.</p>

Representations:

The application was advertised in the local press and by way of a site notice at the application site. Two neighbours were notified of the application by letter. As a result of the consultation objections to the proposal were received from 6 households.

Consideration	Assessment of Head of Regulatory Services
<p>Highways and Car Parking</p> <p>The plans do not give sufficient detail about the location of the car park</p> <p>A small allotment site does not need a car park. All users of the allotments can walk to the allotment with wheelbarrows and there is ample parking on the road. There are no abandoned cars near to the site of the existing allotments.</p> <p>There is not enough room for vehicle movements and people / animals and the car parking would be an accident waiting to happen.</p> <p>Allotment holders are likely to be tempted to drive across the playground which will be a nuisance and dangerous.</p> <p>Pub visitors will use the car park at night causing a nuisance.</p> <p>Use of cars should not be encouraged as allotments are for active people – cars make people fat and they pollute.</p> <p>Allotments will cause more traffic to park inconsiderately on Owston Road and there is no more room for vehicles anywhere on the road.</p>	<p>Noted.</p> <p>Amended plans have been submitted which remove the car parking provision within the site. Therefore people will need to park on the road if entirely necessary.</p> <p>Allotment holders will generally live within the village and it is highly unlikely that they would make trips to and from the allotments by car. This removes any potential conflict between users of the playing fields, public footpaths and allotments.</p> <p>It is not envisaged that the creation of the allotments will lead to a level of parking on the street that would cause an issue with regards to highways safety.</p>
<p>Residential Amenity and Privacy</p> <p>There should be stipulations against sheds, greenhouses and other structures above 6 foot tall.</p> <p>There are comments about screening on the east side, but none about screening on the south side. The allotments will be an eyesore and overlooked from upstairs windows.</p>	<p>Noted.</p> <p>The Parish Council have advised that they would not want allotment holders to be able to erect greenhouses / sheds etc on the land, and a condition can be placed on any permission granted to ensure that this is the case.</p> <p>The allotments are to be located approximately 75 metres from the houses to the east. The closest dwelling to the site is located to the south east approximately 40 metres away. The separation distances involved are not considered to represent a material loss of residential privacy or amenity to households, and the proposal meets the objectives of policy BE1 in this respect.</p> <p>In terms of screening and separating the area from the playing fields, the application states that they will erect fencing around the western end of the site, ideally post and rail (3 rails, with a dark finish). They have also offered that the fencing could be similar to that surrounding the garden for the play school which consists of vertical panelled wooden fence between 1m to 2m tall. It is considered that a post and rail fence would be more appropriate in this location in terms of visual appearance; however a panelled fence would offer greater separation between the activities on the</p>

	<p>playing field and the allotments.</p> <p>No drawings have been submitted of the fence and it is considered that a fence would be more appropriate on the eastern and southern ends of the allotments, therefore a condition could be included on any permission to ensure that drawings are received showing the design of the fence prior to the first use of the site as allotments.</p> <p>The applicants have also stated that they would use hornbeam hedging to a maximum height of 1.5 metres with the fence to aid the screening, but have also requested flexibility in this matter with regards to the specific plants involved. It is considered that this could be included within the condition regarding the fence to be submitted to and approved by the local planning authority prior to the first use of the allotments. Whilst the screening is not strictly necessary in terms of residential privacy and amenity it is considered necessary to separate the activities of the playing fields and the allotments.</p> <p>It is not considered that the proposed allotments would have a detrimental impact on the residential amenities of nearby properties.</p>
<p>Impact upon the open countryside/surrounding area</p> <p>There should be a 6 foot indigenous hedge erected around the allotments. This is fair as the owner of the land who wants the current allotments moved is acting because they are ugly.</p> <p>The allotments will be an eyesore. The existing allotments look terrible and aren't well kept.</p>	<p>Noted.</p> <p>Please see the comments above with regards to fencing / planting. As the allotment holders would not be able to erect sheds / greenhouses etc it is not considered that they would be harmful to the character and appearance of the countryside. The development would be within already tended playing fields, relatively close to the built form of the village.</p> <p>There is a line of trees to the west providing a good level of screening to the open countryside. It is considered that the allotments would be seen in context with the playing fields as a recreational facility related to the village, and not an encroachment into the countryside.</p> <p>It is not considered that the proposal would have an adverse impact on the character of the open countryside or this part of the village.</p>
<p>Compatibility of Use</p> <p>Allotment holders would grow flowers, fruit and vegetables in a playing field with footballs which will create animosity between users of the allotments and children playing.</p> <p>Ball games cannot be prohibited to protect crops.</p>	<p>Noted.</p> <p>The proposed fencing and screening should assist in the separation between the activities to prevent the different recreational uses coming into conflict.</p> <p>The NPPF specifically states that decisions should plan positively for the provision and use of shared spaces to enhance the sustainability of communities (paragraph 70). At paragraph 74 it states that playing fields should not be built on unless the development is for alternative recreational provision. It is considered that the requirement for</p>

<p>Fruit and vegetables attract wild animals and pests carrying disease. The allotments will be the perfect place for them to thrive. This would be a health hazard for young children using the playing fields.</p> <p>Those who use the exiting allotments have bonfires which is a disaster waiting to happen near where children play.</p>	<p>allotments in the parish is a recreational requirement that is compatible with the playing fields, in an area of the playing fields that is underused.</p> <p>It is not considered that the animals that may be attracted to the site by the planting of some vegetables and fruits a reasonable distance from residential dwellings would be a health hazard for those using the playing fields.</p> <p>The site would be bound by a fence (as discussed above), and there would be little reason for children to enter the site.</p>
<p>Footpath</p> <p>The footpath was incorrectly moved to its present position in 2001 and the hand gate was placed on private land immediately to the left of Rose Cottage (4 Owston Road). A strip of land 5ft x 36ft is owned by Rose Cottage and work is at present underway to re-take this land to within the curtilage of Rose Cottage.</p>	<p>Noted.</p> <p>It is not considered that this will impact upon the access to the playing fields via the existing gate and footpath. The parking provision has been removed from the plans as stated above. The footpath will have a minimum width of 1.8 metres. A copy of the footpath order can be seen on file.</p>
<p>Other Matters</p> <p>The land was gifted to the village for children to play, not for any other purpose.</p> <p>Is the Parish Council responsible for providing allotments on public land for residents, or is it a nice to have?</p>	<p>Leicestershire County Council acquired the land from the late Gordon Barnett by a Compulsory Purchase Order, granting him the option to repurchase at a later date. The option was never exercised and the land was offered to the Parish Council by Leicestershire County Council. Parish Council minutes taken at the time disclose that the Parish Council were offered an interest free loan to facilitate the purchase of the land for the benefit of the village whilst in parallel the availability of grant assistance was explored. In the event the £9k purchase price of the land was paid by a benefactor and 37.5% of this was repaid to her when grant funding became available. She did not seek repayment of the 62.5% which effectively became a gift, but not one subject to any formal documentation.</p> <p>A copy of the Transfer and Title Absolute has been provided in support of this application. There are no noted minor interests, overriding interests or any rectification claim. On this basis and in the absence of any covenants on the Title regulating use, the Parish Council and the solicitor to the Parish Council are satisfied that there is an unfettered right for the Parish Council to use the land in such a manner as it sees fit subject to obtaining relevant planning permissions.</p> <p>The Small Holdings and Allotments Act 1908 Part 2, Section 23 states that if the Council of any Borough, Urban District or Parish are of the opinion that there is a demand for allotments the</p>

<p>There is no requirement for the village to provide space for allotments</p> <p>Can't those who want an allotment use their own garden?</p> <p>What is the criteria for getting an allotment, and how are they allocated? Why 6? Is this enough?</p> <p>If there are no sheds where will allotment holders store their tools?</p> <p>How will they get water to the area? There is no water supply to the field.</p> <p>How big would each allotment be? There is surely enough land on the edge of the village without restricted access for those who wish to have an allotment to rent some space rather than putting them on the playing field in the centre of the village.</p> <p>The Parish Council did not consult with the residents to see what they think about the proposal.</p>	<p>Council shall provide sufficient number of allotments to residents.</p> <p>The Parish Council will determine the process and the level of demand in line with the Small Holdings and Allotments Act 1908.</p> <p>It is for allotment holders to decide, however there will be no on-site storage.</p> <p>It is for allotment holders to decide.</p> <p>It is for the Parish Council to decide and to allocate the land. The Parish Council, in line with their duty under the Small Holdings and Allotments Act 1908 have found land that they consider to be suitable for the allotments.</p> <p>The Parish Council are the elected representatives for the Knossington and Cold Overton Parish. They are not obliged to consult residents before proceeding with something that they consider to be in the interests of parishioners.</p>
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Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
<p>Policy Considerations</p> <p>The site lies within the open countryside, outside of any designated village envelope where there is support for limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside.</p> <p>Policy BE1 allows for new buildings (in this case a fence) where they are designed to harmonise with their surroundings and would not adversely affect the amenity of neighbours. There should also be adequate access and parking.</p> <p>The NPPF promotes healthy communities and advises that planning decisions should be positive in regards to shared spaces and community facilities. Specifically, it advises at paragraph 74 that existing open spaces should only be 'built on' where the development is for alternative recreational provision, where the need clearly outweighs the loss.</p>	<p>Noted.</p> <p>It is considered that the proposal is supported by policy OS2 of the Melton Local Plan as it is for small scale development for recreation that is not considered to be detrimental to the character and appearance of the open countryside. The proposed fence and planting can be conditioned as discussed above, and is considered to be appropriate in the location and in accordance with policy BE1.</p> <p>The proposal is for an additional / alternative recreational use on a part of the playing field which has been identified by the Parish Council as under-utilised. The recreational uses at the site are considered to be compatible, and the demand for allotments has been identified by the Parish Council. The existing allotment site has come to the end of its lease, and as such a new site must be found.</p> <p>There are benefits to local residents of having allotments particularly with regards to health. Furthermore, sharing the playing field space with allotments will allow more of the community to use the space, meeting the objective of promoting healthy communities (NPPF chapter 8).</p> <p>In having the allotments close to the village centre</p>

	<p>they area considered to be sustainable in terms of the social benefits. The allotments are to use a section of the playing field that is underutilised and is considered to represent a benefit to the environment in this area. Whilst there are few economic benefits to allotments overall, the proposal is considered to represent on balance sustainable development as advocated within the NPPF.</p> <p>It is considered that the proposal meets the overall objectives of policies OS2 and BE1 of the Melton Local Plan, and the NPPF, specifically chapter 8, paragraph 74.</p>
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Conclusion

The application seeks planning permission for the relocation of the allotments to the western end of the Knossington village playing fields situated off Owston Road. The Parish Council has a duty to provide allotments where it has identified a demand, and the existing allotment site has come to the end of its lease. The western end of the playing fields are under-utilised as a community facility, and it is considered that allowing an alternative recreational provision on the site is supported by the NPPF. The application is also considered to be supported by policies OS2 and BE1 of the Melton Local Plan subject to satisfactory information being submitted prior to first use of the allotments detailing the fence and planting to be in place. As such, the application is recommended for approval.

RECOMMENDATION: Approve, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. This decision relates to the approved site location plan submitted to these offices on 22nd January 2016.
3. A plan shall be submitted to and approved by the local planning authority showing the location and type of the proposed fencing and planting prior to the first use of the site as allotments. The approved fencing shall have been erected within 6 weeks of the commencement of the use of the site as allotments, and the planting shall take place in the first planting season following the commencement of the use of the site as allotments.
4. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
5. No sheds, greenhouses, polytunnels, or other fixtures shall be erected on the site of the allotments hereby approved.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure that there is a separation between the separate recreational activities taking place on the site.
4. To provide a reasonable period for the replacement of any planting.
5. In the interests of protecting the character and appearance of the area.

Officer to contact: **Mrs Sarah Legge**

Date: 5th February 2016